

FREYD v. UNIVERSITY OF OREGON
JENNIFER JOY FREYD

6:17-cv-448-MC
2/14/2018

1

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

Eugene Division

JENNIFER JOY FREYD,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:17-cv-448-MC
)	
UNIVERSITY OF OREGON,)	
)	
Defendant.)	

VIDEOTAPED DEPOSITION OF JENNIFER JOY FREYD

Taken in behalf of the Defendant

February 14, 2018

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<p style="text-align: right;">2</p> <p>1 BE IT REMEMBERED THAT, pursuant to Federal Rules 2 of Civil Procedure, the deposition of JENNIFER JOY FREYD 3 was taken before Tamara Aufdermauer Pearce, OR CSR No. 4 90-0199, WA CCR No. 2141, on Wednesday, February 14, 5 2018, commencing at the hour of 8:56 a.m., the 6 proceedings being reported at Johnson Johnson Lucas & 7 Middleton, 975 Oak Street, Suite 1050, Eugene, OR 97401. 8 APPEARANCES 9 JOHNSON JOHNSON LUCAS & MIDDLETON Jennifer Middleton 10 jmiddletton@justicelawyers.com 975 Oak Street, Suite 1050 11 Eugene, OR 97401 541.683.2506 12 Counsel for Plaintiff 13 BARRAN LIEBMAN LLP Paula A. Barran 14 pbarran@barran.com Shayda Zaerpoor Le 15 sle@barran.com 601 SW 2nd Avenue, Suite 2300 16 Portland, OR 97204 503.228.0500 17 Counsel for Defendant 18 19 20 ALSO PRESENT: Zachary Hoover, Videographer 21 22 * * * 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 PROCEEDINGS 2 3 THE VIDEOGRAPHER: We're on the record. The 4 time is approximately 8:56 a.m. on Wednesday, 5 February 14th, 2018. This begins the video 6 deposition of Jennifer Joy Freyd in the Matter of 7 Jennifer Joy Freyd versus University of Oregon, 8 being heard in the United States District Court, 9 District of Oregon, Eugene Division, Case No. 10 6:17-cv-448-MC. 11 This deposition is being held at 975 Oak 12 Street, Suite 1050, Eugene, Oregon, and is being 13 taken by counsel for defendant. 14 Your videographer is Zach Hoover and your court 15 reporter is Tammy Aufdermauer Pearce. We're with 16 Aufdermauer Pearce Court Reporting. 17 Counsel, please introduce yourselves and your 18 affiliations, then the court reporter will 19 administer the oath. 20 MS. MIDDLETON: Jennifer Middleton for 21 plaintiff. 22 MS. BARRAN: Paula Barran for defendant. 23 MS. LE: Shayda Le for defendant. 24 /// 25 ///</p>
<p style="text-align: right;">3</p> <p>1 EXAMINATION INDEX 2 Page 3 Examination by Paula Barran 5 4 * * * 5 EXHIBIT INDEX 6 No. Description Page 7 Exhibit 1 Collective Bargaining Agreement 212 between The University of Oregon and 8 United Academics, AAUP/AFT, AFL-CIO, dated July 1, 2013, through June 30, 9 2015, UO-FREYD002852-2942 10 Exhibit 2 Department of Psychology Review, 225 Promotion and Tenure Procedures and 11 Guidelines, Approved 3/29/2017, FREYD000341-352 12 13 Exhibit 3 Department of Psychology: Policies 245 and Procedures, UO-FREYD003589-3602 14 Exhibit 4 Email from Jennifer Freyd to Ulrich 252 Mayr dated 5/11/2017, re literature 15 on gender on salary negotiations, with attachments, UO-FREYD003465-3494 16 17 Exhibit 5 Faculty Retention Salary Adjustment 263 dated 1/30/2014, FREYD000437-438 18 Exhibit 6 Letter dated 17 March 2005 from 272 Jennifer J. Freyd to Marjorie and 19 Executive Committee re upcoming merit reviews and my salary, 20 FREYD000310-311 21 Exhibit 7 Email from Jennifer J. Freyd to 274 Ulrich Mayr dated 5/4/2014, re 22 salary, UO-FREYD001065-1067 23 24 Requested information: NONE 25 Instruction by counsel: NONE</p>	<p style="text-align: right;">5</p> <p>1 JENNIFER JOY FREYD, 2 having first been sworn by the Certified Court Reporter, 3 was examined and testified as follows: 4 5 EXAMINATION 6 BY MS. BARRAN: 7 Q. Good morning, Professor Middleton. This is the time 8 that we set -- boy, am I sorry for that. Let me 9 start that all over again. This is the case of the 10 Jennifers. 11 Good morning, Professor Freyd, I apologize for 12 that. This is the time that we've set aside with 13 your counsel for the deposition in the lawsuit that 14 you've brought against the University of Oregon. 15 I want to give you a sense that we will 16 probably spend the day trying to help me understand 17 what your claims are, so it's very important for you 18 to give me as complete answers as you can because 19 this is my only chance to take your testimony prior 20 to trial in this case. 21 Will you do that for me? 22 A. Yes. 23 Q. When you look at compensation and you talk about the 24 compensation disparities about which you have been 25 complaining, can you tell me whether you are looking</p>

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Decl. of P. Barran in Support of Reply Memo

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<p style="text-align: right;">34</p> <p>1 University of Oregon, was she the highest paid</p> <p>2 faculty member?</p> <p>3 A. I don't -- I don't even know that. I only know from</p> <p>4 2014 she was.</p> <p>5 Q. So at least from 2014 to the end of her employment</p> <p>6 she was the highest paid faculty member?</p> <p>7 A. I believe so.</p> <p>8 Q. Did you ever in your research look at what her</p> <p>9 compensation level was?</p> <p>10 A. Yes.</p> <p>11 Q. Why did you only go back to 2014?</p> <p>12 A. That was the data that I had in -- I was looking --</p> <p>13 in 2014, I was looking at 2014 data. It didn't</p> <p>14 occur to me to go back and look at her numbers in</p> <p>15 the prior years.</p> <p>16 Q. You have from time to time presented graphs and</p> <p>17 charts to the department in your discussions about</p> <p>18 compensation. When is the first time you put such a</p> <p>19 graph or chart together?</p> <p>20 A. I'm not sure.</p> <p>21 Q. Approximately how long ago were you starting to</p> <p>22 present written objections about your compensation?</p> <p>23 A. I believe the first time was sometime in the late</p> <p>24 eighties or early nineties. What I don't remember</p> <p>25 is if I had a graph. I don't remember.</p>	<p style="text-align: right;">36</p> <p>1 that funds the university, is it your belief that</p> <p>2 that is irrelevant to compensation?</p> <p>3 A. Yes, because my job duty is to do research, it is</p> <p>4 not to fund the University of Oregon. I have never</p> <p>5 been told, and I would be astonished if I was told,</p> <p>6 that it was my job duty to provide money to the</p> <p>7 University of Oregon.</p> <p>8 It is my job duty to do research, and to the</p> <p>9 extent that I request grant money, which generally</p> <p>10 is taxpayer dollars, that money needs to be to</p> <p>11 support research. It needs to be to support</p> <p>12 science. It would be, I believe, an ethical problem</p> <p>13 if I requested money to support the University of</p> <p>14 Oregon.</p> <p>15 Q. When money comes into -- from, say, a federal grant,</p> <p>16 when you have a large federal grant that comes to</p> <p>17 the department, what activities does that grant</p> <p>18 fund?</p> <p>19 A. The -- it depends on the particular grant, and</p> <p>20 the -- the funding that -- the spending for the</p> <p>21 grant is determined by what the PI says they're</p> <p>22 going to do. So it could be to hire a student to</p> <p>23 help collect data, it could be to buy equipment, it</p> <p>24 could be to pay participant costs. It is for the</p> <p>25 cost of conducting scientific research.</p>
<p style="text-align: right;">35</p> <p>1 Q. When you do -- when you have done graphs or charts</p> <p>2 of compensation to present your view that you are</p> <p>3 underpaid because of your gender, what factors have</p> <p>4 you used for those graphs or charts?</p> <p>5 A. Seniority and salaries have generally been the</p> <p>6 factors. And seniority, usually I think we looked</p> <p>7 at -- or I looked at, depending on which one it was,</p> <p>8 either years in rank or years since Ph.D., depending</p> <p>9 on which one it was.</p> <p>10 Q. If you used different factors, your charts would</p> <p>11 look different?</p> <p>12 A. A little bit, yeah.</p> <p>13 Q. If you used, for example, grant dollars into the</p> <p>14 university, would they look very different?</p> <p>15 A. I have no idea. That would be a pretty strange way</p> <p>16 to do it.</p> <p>17 Q. Tell me why you think it would be a strange way to</p> <p>18 do it.</p> <p>19 A. Because it's not our job duty. Our job duties are</p> <p>20 service, research, and teaching. That would be like</p> <p>21 putting in somebody's height or body weight. It's</p> <p>22 not our job duty.</p> <p>23 Q. Well, height or body weight is one thing, but if I'm</p> <p>24 bringing in -- let's say I'm a faculty member and I</p> <p>25 bring in a million dollars' worth of grant money</p>	<p style="text-align: right;">37</p> <p>1 Q. <u>During the period of time that that is happening, is</u></p> <p>2 <u>there a benefit to the university from these</u></p> <p>3 <u>external grant funds?</u></p> <p>4 <u>A. The University of Oregon gets something called</u></p> <p>5 <u>indirect costs that are negotiated, and the</u></p> <p>6 <u>justification for those costs is to provide the</u></p> <p>7 <u>support necessary to do the research.</u></p> <p>8 <u>I believe that when professors do good research</u></p> <p>9 <u>the University of Oregon benefits because it is the</u></p> <p>10 <u>mission of the University of Oregon to produce</u></p> <p>11 <u>world-class research. So to the extent that those</u></p> <p>12 <u>indirect funds are actually leading to more</u></p> <p>13 <u>research, that's a benefit to the University of</u></p> <p>14 <u>Oregon.</u></p> <p>15 Q. What else -- what other benefits -- monetary</p> <p>16 benefits come from attracting grant dollars?</p> <p>17 A. I don't think I understand your question. The</p> <p>18 cost for -- some research projects cost money and</p> <p>19 that money that comes in allows those research</p> <p>20 projects to occur that might not otherwise be able</p> <p>21 to occur.</p> <p>22 Q. Have you in your years with the University of Oregon</p> <p>23 seen faculty members recruited to other institutions</p> <p>24 because they have large grants that -- that they</p> <p>25 control?</p>

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<p style="text-align: right;">38</p> <p>1 A. I have no knowledge of that. If that's a basis for 2 recruitment, nobody has told me that. 3 Q. Well, have you seen people who have controlled large 4 amounts of grant money go to other institutions? 5 A. Yes. 6 Q. Who -- who has -- in your experience, has controlled 7 a lot of grant money and gone to another 8 institution? 9 A. Oh, boy. There were -- well, I don't know exact 10 grant money they had at the time they left, but 11 there were two cognitive neuroscientists in my 12 department, both with the first name Ed, Ed Awh, 13 spelled A W H, and Ed Vogel, and they together left 14 and went to the University of Chicago a couple years 15 ago, and it is my belief that they had grant money. 16 Q. Were -- did you personally view their departure to 17 be a loss to the University of Oregon? 18 A. Yes. 19 Q. Tell me what -- what you personally perceived to be 20 the loss when the -- when Ed and Ed went to the 21 University of Chicago. 22 A. My personal belief was it was a loss because they 23 were world-class scientists and they were doing good 24 research, and the University of Oregon is an R1 25 institution, which means we are a research</p>	<p style="text-align: right;">40</p> <p>1 for the grant when it came? 2 A. Start-up costs? 3 Q. Sure, build a lab, hire people, bring in graduate 4 students. 5 MS. MIDDLETON: Objection again. 6 A. When people are first hired, there's start-up costs. 7 I've never heard of a start-up cost for a new grant, 8 but maybe there are. I'm not aware of that. 9 BY MS. BARRAN: 10 Q. Have you brought in an external grant? 11 A. As a university professor, yes. 12 Q. And have there been things that you have had to do 13 to start up? 14 A. I just don't think I understand the question. I 15 mean -- 16 Q. Sure. 17 A. There's lots I have to do to do research. So if I 18 get a grant for a new project, I might have to buy 19 some new equipment or I might have to post an 20 advertisement to hire somebody, so if that's what 21 you mean, then yes. 22 Q. How many people have you been in a supervisory, 23 employer/employee supervisory relationship to, let's 24 take it year by year. At present, do you have 25 employees that you supervise?</p>
<p style="text-align: right;">39</p> <p>1 university with ambitions to be one of the best in 2 the world. We want to be -- retain our membership 3 in the AAU, which is the Association of 4 University -- AAU, American Association of 5 Universities, and it's very important for these 6 goals and missions to have world-class scientists 7 doing world-class research, so losing two really 8 good scientists was a loss to the University of 9 Oregon. 10 Q. Did -- to your knowledge, did the grant money follow 11 Ed and Ed to the University of Chicago? 12 A. I don't know. Most grants would follow PIs, but not 13 all. 14 Q. Were there funds that had been expended at the 15 University of Oregon to -- as start-up costs for the 16 work that they were doing with their funding? 17 MS. MIDDLETON: Objection to the form of the 18 question. 19 A. I -- I actually just don't understand the question 20 or the objection. I just don't understand the 21 question. 22 BY MS. BARRAN: 23 Q. Okay. There's a grant that comes, the PI leaves. 24 A. Yeah. 25 Q. Has the University of Oregon had any start-up costs</p>	<p style="text-align: right;">41</p> <p>1 A. Yes. 2 Q. How many and who are they? 3 A. I have one employee that is consistently my employee 4 who is -- her -- her title is lab manager. I have 5 term by term different graduate students assigned to 6 me for different duties, and that varies term by 7 term. 8 Q. When the grad student -- when the grad students are 9 assigned to you, are they employees or are they 10 working on a scholarship or fellowship? 11 A. Well, they're -- they're graduate employees, so 12 usually. I mean I have also other graduate students 13 I supervise, but -- so they are paid by the 14 University of Oregon for some number of hours to do 15 work. 16 Q. Have you -- have you ever in your career in the 17 department of psychology supervised post doctoral 18 fellows? 19 A. Yes. 20 Q. When? 21 A. It was some time ago, and I don't know the exact 22 year. 23 Q. What were -- what was your supervisory relationship 24 for? 25 A. For?</p>

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<p style="text-align: right;">66</p> <p>1 Q. Are there any more that you haven't told me about?</p> <p>2 A. So I -- I -- you know, for a long time I've been in</p> <p>3 the psychology department and we've talked many</p> <p>4 times as a faculty about salaries, salary</p> <p>5 compression, all sorts of things, and in every</p> <p>6 single conversation it has been assumed that</p> <p>7 seniority is a factor. And by that, I mean it's</p> <p>8 been, when -- when there have been graphs, when</p> <p>9 we've talked about it, seniority is always assumed</p> <p>10 to be a factor.</p> <p>11 Q. The question, again, is persons who set your salary</p> <p>12 and what they have told you.</p> <p>13 A. Right, so that -- I mean I don't know what you mean</p> <p>14 by "set my salary," because I'm actually not sure</p> <p>15 who does set my salary, but people who have some say</p> <p>16 in sal -- apparently have some say in salary, for</p> <p>17 instance the department executive committee, which</p> <p>18 I've served on, the dean, the department head, in</p> <p>19 all those instances that I can recall, the</p> <p>20 discussions were occurring in the context in which</p> <p>21 of course seniority was a factor. There wasn't a</p> <p>22 need to say it was a factor any more than there</p> <p>23 would be a need to say that doing your job well is a</p> <p>24 factor.</p> <p>25 Q. Does the bargaining agreement -- are you familiar</p>	<p style="text-align: right;">68</p> <p>1 <u>bargaining agreement?</u></p> <p>2 <u>A. No, I'm not saying that.</u></p> <p>3 Q. Okay. Had -- had you had some kind of a side</p> <p>4 agreement with the university before the union came</p> <p>5 in?</p> <p>6 A. What do you mean? I don't even know what "a side</p> <p>7 agreement" means.</p> <p>8 Q. Well, an agreement about your compensation. So you</p> <p>9 told me about the one-pager. Is there anything else</p> <p>10 that you viewed as a contract, an agreement between</p> <p>11 you and the University of Oregon?</p> <p>12 A. I would say there was an understanding. So every</p> <p>13 time we are asked to do -- prepare materials for a</p> <p>14 merit review, it is communicated to us what -- what</p> <p>15 is valued by -- by the assignment of what we are --</p> <p>16 information we are to provide. And when I served on</p> <p>17 the executive committee and I made ratings for</p> <p>18 people, it was communicated what we are to value at.</p> <p>19 We have certain policies that say what -- what</p> <p>20 should be considered for merit raises, what should</p> <p>21 be considered for promotion. Each of those</p> <p>22 constitutes, in some sense of the word, agreement.</p> <p>23 If that's what you mean, then those</p> <p>24 conversations occur quite frequently and -- and all</p> <p>25 the time.</p>
<p style="text-align: right;">67</p> <p>1 with your collective bargaining agreement?</p> <p>2 A. I know it exists; I've looked at it. I don't have</p> <p>3 it memorized because it's long.</p> <p>4 Q. Do you know anything in the context of the</p> <p>5 collective bargaining agreement that says how salary</p> <p>6 is to be considered in compensation?</p> <p>7 A. No.</p> <p>8 Q. <u>Do you know -- do you have any -- are there any</u></p> <p>9 <u>other agreements or promises that the university has</u></p> <p>10 <u>made to you about your compensation other than the</u></p> <p>11 <u>bargaining agreement?</u></p> <p>12 <u>A. Well, when I first came I signed a contract with the</u></p> <p>13 <u>university, and until the more recent bargaining</u></p> <p>14 <u>unit, I assumed that contract was what was guiding</u></p> <p>15 <u>things.</u></p> <p>16 Q. <u>What did that contract look like?</u></p> <p>17 <u>A. It was about a page.</u></p> <p>18 Q. <u>Did it say what your -- how your compensation was</u></p> <p>19 <u>going to be determined?</u></p> <p>20 <u>A. Not that I recall. I don't recall.</u></p> <p>21 Q. <u>Do you have any -- so we have, presently, bargaining</u></p> <p>22 <u>agreements, correct?</u></p> <p>23 <u>A. Correct.</u></p> <p>24 Q. <u>Do you know -- are you saying that you have some</u></p> <p>25 <u>side agreement with the university that is not the</u></p>	<p style="text-align: right;">69</p> <p>1 If you mean some sort of quid pro quo, "If you</p> <p>2 do X, you'll get paid Y," then no, I'm not.</p> <p>3 Q. When you sat on the executive committee -- tell me</p> <p>4 first what years you sat on the executive committee.</p> <p>5 A. I don't remember.</p> <p>6 Q. You said that you were rating people. Was that for</p> <p>7 compensation analysis purposes?</p> <p>8 A. I believe we did merit ratings that year, or one of</p> <p>9 those years.</p> <p>10 Q. So based on that experience, when you rated people,</p> <p>11 tell me all of the factors that informed your rating</p> <p>12 of your peers.</p> <p>13 A. Service, teaching, and research.</p> <p>14 Q. So how -- break those down for me, please.</p> <p>15 A. So for service, we look at people's contributions to</p> <p>16 the functioning and running of the department, the</p> <p>17 university, and the field, and even the community.</p> <p>18 Q. Would you look at how many other people might have</p> <p>19 been reliant upon that individual?</p> <p>20 A. No. We looked at contributions to the functioning</p> <p>21 of these various entities, so being on a committee</p> <p>22 that had a lot of work to create a new curriculum,</p> <p>23 or serving as the convenor of a national conference,</p> <p>24 those sorts of things.</p> <p>25 Q. When you're looking at the importance to the</p>

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<p style="text-align: right;">78</p> <p>1 contribution to the field or the University of 2 Oregon than Phil Fisher's. 3 Q. Do you believe that his research contribution is 4 less than yours? 5 A. I don't think he's quite as senior than me. I don't 6 think he's had necessarily as much of an influence 7 in theory building, but I think he's made important 8 contributions, and I -- I feel we are -- we are on a 9 par is how I'd put it. 10 Q. With respect to Phil Fisher, so over the course of 11 your career at the University of Oregon in terms of 12 dollars, how much external grant funding have you 13 brought into the University of Oregon? 14 A. I don't actually have that information. 15 Q. Give me a ballpark. 16 A. In a time period, or what -- 17 Q. Tell me over the last 10 years. 18 A. So I don't think I have had any -- well, I have had 19 something they now call a grant, and I've actually 20 had it for all 10 years but they changed it -- 21 changed it and now call it a grant. 22 I have had private donations made to an account 23 in my name in the foundation, and I have been 24 involved in the -- in the acquisition of grants for 25 quite a number of my students. Dollar values, I</p>	<p style="text-align: right;">80</p> <p>1 Fisher has brought into the university. 2 A. I have no idea. 3 Q. If I told you that it was dramatically higher than 4 yours, would you have any -- any way to -- to 5 contradict that? 6 A. No. 7 Q. If the University of Oregon considers external grant 8 dollars to be a factor in compensation, is it 9 possible that Phil Fisher exceeds you on that score? 10 MS. MIDDLETON: Object to the form of that 11 question. 12 A. I have never been told that the University of Oregon 13 is compensating us based on grant dollars. As I've 14 explained to you, my understanding of grants is not 15 that they're an end, but they're a means, and that 16 they're a means specifically for scientific 17 research. 18 MS. BARRAN: Can you read my question back, 19 please? 20 (The reporter read back as follows: 21 If the University of Oregon considers external 22 grant dollars to be a factor in compensation, 23 is it possible that Phil Fisher exceeds you on 24 that score?) 25 MS. MIDDLETON: Same objection.</p>
<p style="text-align: right;">79</p> <p>1 really would have to go look on -- look on 2 something. 3 Q. So Professor Freyd, when you were talking about the 4 foundation, is that the University of Oregon 5 Foundation? 6 A. Yes, it is. 7 Q. So that's -- and is that grant awarded by the 8 university? 9 A. No, it's external philanthropy. 10 Q. You said that you have had this for many years. 11 What's the dollar figure? 12 A. The -- the dollar figure that has come in in total? 13 Q. Yes. Let's take a 10-year time period. 14 A. I don't know in 10 years. I don't know. 15 Q. Tell me what you can tell me. 16 A. I mean the total over the time this account has 17 last -- has been in existence has been over 18 \$250,000, but I don't know what years those numbers 19 have come in. 20 Q. It could just be \$25,000 over -- 21 A. 250. 22 Q. But could it be \$25,000 per year, or is it 250 per 23 year? 24 A. No, it varies totally year by year. 25 Q. Tell me the total number of grant dollars Phil</p>	<p style="text-align: right;">81</p> <p>1 THE WITNESS: So this is an if clause, and so 2 yes, if they consider that, then yes, it is 3 possible. 4 BY MS. BARRAN: 5 Q. Did Professor Fisher have offers from other 6 institutions? 7 A. I've been told so. I don't have firsthand 8 information. 9 Q. What have you been told about Professor Fisher's 10 offers from other institutions? 11 A. Very little, that they existed. 12 Q. Who told you? 13 A. Rumor mill. 14 Q. Did anybody tell you what the institution was? 15 A. No. 16 Q. Okay. Do you know whether he received an offer from 17 the University of Oregon to retain him rather than 18 let him go to another institution? 19 A. Again, I believe so, based on the rumor mill. 20 Q. <u>In the case of Phil Fisher, do you believe it was to</u> 21 <u>the value of the University of Oregon to retain him</u> 22 <u>as a faculty member in psychology?</u> 23 A. Yes. 24 Q. <u>Can you tell --</u> 25 A. But -- but I don't know -- I'm a little worried</p>

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<p style="text-align: right;">82</p> <p>1 <u>about what do you mean by "to retain him." At any</u> 2 <u>cost, or that we got -- that he stayed? It was</u> 3 <u>certainly of value that he was -- stayed. I cannot</u> 4 <u>weigh in on whether a particular retention package</u> 5 <u>was -- was appropriate because I just don't have</u> 6 <u>that information.</u> 7 Q. Is that something that you would leave to others to 8 evaluate whether the retention package was 9 appropriate or not? 10 A. <u>I just don't know what the retention package was.</u> 11 Q. Let's -- let's go back to what you do know. Given 12 your understanding of the field and the university 13 at which you work, is the University of Oregon 14 psychology department better off with Phil Fisher or 15 without Phil Fisher? 16 A. <u>At a certain price, do you mean, or just in an</u> 17 <u>absolute sense?</u> 18 Q. Absolute sense. 19 A. <u>Yes, we're better off with him.</u> 20 Q. And tell me what factors would cause you to say that 21 we would want to keep Phil Fisher. 22 A. <u>Phil Fisher is a good colleague. He -- he is -- he</u> 23 <u>contributes to the intellectual life of the</u> 24 <u>department, he mentors -- he attracts good graduate</u> 25 <u>students, he mentors good graduate -- mentors them,</u></p>	<p style="text-align: right;">84</p> <p>1 duties to include. 2 A. He -- he writes reports, he runs faculty meetings, 3 he responds to personnel issues, probably lots more. 4 It's a busy job. 5 Q. Because a lot of faculty come in with a lot of 6 problems to the department head? 7 A. Yeah, one of the reasons. 8 Q. You would be one person who used his time on issues 9 relating to your status in the university? 10 A. Used his time? I guess you could say that. 11 Q. Do others come in and talk to him about their issues 12 or concerns at the university in their department? 13 A. I imagine they do. Ulrich has never told me in 14 detail about his experience, other department heads 15 have. I've heard at great length from some other 16 department heads about how much time they put into 17 personnel issues. 18 MS. MIDDLETON: If you don't know, don't guess 19 or speculate. 20 THE WITNESS: Okay. I don't know about Ulrich; 21 he's never told me. 22 BY MS. BARRAN: 23 Q. Tell me what your complaint is about your 24 compensation relative to Ulrich. 25 A. Ulrich is paid or was, and I think probably still</p>
<p style="text-align: right;">83</p> <p>1 <u>he publishes good research, he teaches, he</u> 2 <u>contributes, he's a good colleague.</u> 3 Q. If you were responsible for the department and Phil 4 Fisher was about to go someplace else, would you 5 consider it worth an effort to retain him at the 6 University of Oregon? 7 A. Yes. 8 Q. You have listed Ulrich Mayr as somebody that you 9 believe you are underpaid in relationship to. Is 10 that accurate? 11 A. Yes. 12 Q. And has that been, as far as you know, for the 13 entirety of your career as a full professor? 14 A. Sorry, I don't know. I don't know. 15 Q. Does Ulrich Mayr have a job that you don't have? 16 A. He's currently serving as department head. 17 Q. For what period of time has he been serving as 18 department head? 19 A. Well, I believe this is his fourth year, although he 20 took one term off. 21 Q. Have you ever been a department head? 22 A. No. 23 Q. Do you know what his duties as department head are? 24 A. I have a pretty good idea. 25 Q. Tell me what you understand his department head</p>	<p style="text-align: right;">85</p> <p>1 is, more than me, and his -- his contributions to 2 the field have not, in my opinion, merited his 3 getting paid more than me, considering my seniority. 4 Q. Do you think that your accomplishments and his 5 accomplishments are at parity? 6 A. I think that we have some different duties right 7 now. Department heads get teaching releases in 8 order to do their administrative service, and so 9 he's doing some things that are different than what 10 I'm doing, but this is also understood as a 11 temporary role that -- that he has, that he'll go 12 back to the faculty. 13 Q. Well, for the period of time that he has had this 14 department head duty, are you saying that it's not 15 really apples to apples? 16 A. It is my understanding that our base salary is -- 17 and -- and stipends that have to do with research 18 are based on our standard job duties and that 19 administrative work is compensated through stipends 20 and teaching releases. So based on my understanding 21 there, I don't think that he has contributed more on 22 research, teaching, or service as a whole, given 23 that trade-off. 24 Q. In -- tell me first where you got that 25 understanding.</p>

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<p style="text-align: right;">86</p> <p>1 A. From watching for 30 years how -- how department 2 heads and other administrators, including myself 3 when I did administrative duties, within the 4 department are -- are -- I don't even know if the 5 right word is "compensated" -- how -- how -- we are 6 given -- how the trade-offs are made. 7 So sometimes one of us takes a job that 8 requires more time than others, and then some kind 9 of trade-off is made to make that possible. 10 So one couldn't be a department head and also 11 still teach. There just wouldn't be enough time. 12 Q. Do you have any sense of the approximate percentage 13 of Ulrich's time that is spent doing department head 14 duties? 15 A. No. 16 Q. I mean could it be 90 percent of his time is in his 17 role as department head? 18 A. It -- it's possible, but I also know that because 19 department head duties tend to take a toll on 20 people's research productivities that he had a term 21 in order to focus on research, and presumably during 22 that term that's mostly what he was doing. 23 Q. So when you're a department head, it -- you don't 24 have enough time to teach and you don't really have 25 enough time to do your research the way you want to.</p>	<p style="text-align: right;">88</p> <p>1 hours and that's why there are these trade-offs 2 to -- to even it out. 3 Q. Do they -- are they also more taxing in -- in other 4 ways, to your understanding? 5 A. I just don't know. I -- I think, for instance, it 6 depends on one's emotional makeup how they feel. 7 Some people I think thrive as department heads and 8 others find it draining. 9 Q. Do you know some who find it very burdensome? 10 A. Not currently. 11 Q. In terms of the compensation paid to Ulrich Mayr, is 12 it your position in this lawsuit that you should be 13 at parity with him, or should you make more than 14 Ulrich? 15 A. I think that my salary should be more, to the extent 16 I have more seniority. 17 Q. If seniority is taken out of the equation, do you 18 think that you should be paid more or less or equal 19 to Ulrich? 20 A. I -- putting aside his administrative stipend and 21 taking salary out of the equation, I think I should 22 be paid equally -- I'm sorry, taking seniority out 23 of the equation. 24 Q. Did Ulrich Mayr receive an offer from another 25 institution to your knowledge?</p>
<p style="text-align: right;">87</p> <p>1 Is that -- am I understanding that? 2 MS. MIDDLETON: Objection to the form of the 3 question. 4 A. Yeah, I don't know, but it is my understanding that 5 because being department head is -- is historically 6 taxing on people's research, that -- that Ulrich and 7 perhaps others have requested as part of the way -- 8 the trade-off plan protected research time. 9 BY MS. BARRAN: 10 Q. Is being a department head, to your understanding, 11 also taxing on your stamina or internal 12 relationships? 13 MS. MIDDLETON: Objection to the form of the 14 question. 15 A. I just don't know. 16 BY MS. BARRAN: 17 Q. Is it a different kind of job from what you do 18 when -- when you're doing your particular duties? 19 A. It's -- me personally, or -- 20 Q. Yes, you personally. 21 A. Yeah, okay. So it -- we -- each of us contribute to 22 service in different ways, and numerous service jobs 23 are taxing on one. 24 It's my understanding that the -- that the 25 service requirements of a department head take more</p>	<p style="text-align: right;">89</p> <p>1 A. I believe he did. 2 Q. Tell me what you know about that. 3 A. I believe it was some years back, and -- at least 4 what I'm aware of. There could have been one I'm 5 not aware of. And it was somewhere in Europe, and 6 he went and he checked it out and decided to come 7 back. 8 Q. <u>Do you -- do you have any criticism of the</u> 9 <u>university for wanting to main -- to retain Ulrich</u> 10 <u>Mayr as a faculty member?</u> 11 A. No. 12 Q. Tell me why you say that. 13 A. He's a good colleague. 14 Q. And when you say somebody's a good colleague, can 15 you tell us -- because we want to be as precise as 16 we can in the information that is presented in this 17 deposition, tell me what factors roll into your 18 statement that somebody is a good colleague. 19 A. Okay. So we are -- we are a very strong department, 20 and being a good colleague is contributing to the 21 strength of that -- of the department through the 22 three domains, service, research, and teaching. And 23 when I say he's a good colleague, I mean that I 24 believe he contributes to -- to the department in 25 those ways. So he's a good researcher, he's a good</p>

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<p style="text-align: right;">90</p> <p>1 <u>teacher, and he's a good citizen.</u></p> <p>2 <u>Q. Is he somebody who contributes to the reputation of</u></p> <p>3 <u>the institution?</u></p> <p>4 <u>A. As far as I know, yes.</u></p> <p>5 <u>Q. Is he somebody whose absence would be felt if he</u></p> <p>6 <u>were to go to some other European institution?</u></p> <p>7 <u>A. Yes.</u></p> <p>8 Q. Have -- and let's take the last 10 years. Have you</p> <p>9 been recruited by any other institution?</p> <p>10 A. I have received initial probes from some colleagues</p> <p>11 about whether I would consider other institutions.</p> <p>12 One of the things that I think is really</p> <p>13 important to understand is that the most common way</p> <p>14 as far as I know this occurs is there is an initial</p> <p>15 probe, and if that probe is rejected, that tends to</p> <p>16 be the end of it, and I rejected those probes.</p> <p>17 Q. Have you ever in the last 10 years sought an</p> <p>18 opportunity at another institution?</p> <p>19 A. For faculty employment?</p> <p>20 Q. Yes.</p> <p>21 A. No.</p> <p>22 Q. What keeps you at the University of Oregon? What is</p> <p>23 it that keeps you from looking elsewhere?</p> <p>24 A. Well, until five years ago, I was married to a man</p> <p>25 who was employed by the University of Oregon, and it</p>	<p style="text-align: right;">92</p> <p>1 earner?</p> <p>2 A. I think over time my wage -- his wage probably</p> <p>3 didn't rise as much as mine so he probably wasn't</p> <p>4 paid more than me, but I don't remember.</p> <p>5 Q. But you had previously moved institutions as a</p> <p>6 married person, correct?</p> <p>7 A. Correct.</p> <p>8 Q. So what -- what caused you to leave Cornell to come</p> <p>9 to University of Oregon?</p> <p>10 A. Well, at the time we had -- we had one very, very</p> <p>11 young child. We were -- it was very easy to move,</p> <p>12 we didn't have schools involved, and the University</p> <p>13 of Oregon made an extremely attractive offer for us</p> <p>14 as a family. I was offered a tenured position and</p> <p>15 my husband was offered a very good job at the</p> <p>16 University of Oregon. It was one of the best</p> <p>17 psychology departments in the country and I wanted</p> <p>18 to be on the west coast, so all those factors came</p> <p>19 together.</p> <p>20 Q. So you say you have had some initial probes in the</p> <p>21 last 10 years. Do you remember approximately how</p> <p>22 many initial probes you received from other</p> <p>23 institutions?</p> <p>24 A. Nope.</p> <p>25 Q. Do you have any idea?</p>
<p style="text-align: right;">91</p> <p>1 seemed unlikely that it would work for both of us to</p> <p>2 move, and we had -- we were raising a family, and we</p> <p>3 were settled, and our priorities were to focus on</p> <p>4 our work and our family, and I was able to do my</p> <p>5 research. I was not impeded in my ability to do my</p> <p>6 research, to teach, or contribute to the</p> <p>7 institution, which is what my goals were. I was not</p> <p>8 impeded in by ability to have a good family life or</p> <p>9 raise my family.</p> <p>10 Q. And was this desire to stay in Eugene something that</p> <p>11 was a shared decision between you and your husband?</p> <p>12 A. Yes.</p> <p>13 Q. And it was for your career as well as his career?</p> <p>14 A. Yes.</p> <p>15 Q. And at that time, you were the primary wage earner</p> <p>16 in the family?</p> <p>17 A. No, we were probably comparable.</p> <p>18 Q. When you say "comparable," tell me how you mean</p> <p>19 that.</p> <p>20 A. I think our salaries were similar.</p> <p>21 Q. What does similar mean?</p> <p>22 A. Similar. I mean it varied probably year by year,</p> <p>23 but we were paid about the same amount of money.</p> <p>24 Q. Had there been a time in your career at the</p> <p>25 University of Oregon where you were the primary wage</p>	<p style="text-align: right;">93</p> <p>1 A. No. These come up about -- maybe once a year.</p> <p>2 Q. Can you remember them coming up more frequently than</p> <p>3 once a year?</p> <p>4 A. No, I -- I have always -- always handled these by</p> <p>5 dismissing them as quickly in the process as I</p> <p>6 possibly can and putting it out of my mind.</p> <p>7 Q. So you -- you told me about the time up until you</p> <p>8 lost your husband. What about in the years since</p> <p>9 that time, have you continued to dismiss initial</p> <p>10 probes?</p> <p>11 A. So for the first couple years after my husband died,</p> <p>12 it's pretty much a blur, and I don't think I have</p> <p>13 the greatest memory of such things because I didn't</p> <p>14 know what I was going to do with my life. So I --</p> <p>15 I'm not sure, honestly. It's possible, but I also</p> <p>16 think people might have been giving me some space.</p> <p>17 Q. Subsequent to that, so let's take the last three</p> <p>18 years, have you received initial probes?</p> <p>19 A. I believe so.</p> <p>20 Q. Okay.</p> <p>21 A. I believe there was at least one, but I -- I -- I</p> <p>22 have, at this point, no interest in pursuing such</p> <p>23 probes.</p> <p>24 Q. Why aren't you interested in considering a move?</p> <p>25 A. I have devoted my career to the University of</p>

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<p style="text-align: right;">98</p> <p>1 what you mean.</p> <p>2 A. I have seen -- I'm aware of two cases of people who</p> <p>3 <u>entertained outside offers and -- and were hoping</u></p> <p>4 <u>that the University of Oregon would retain them, but</u></p> <p>5 <u>the University of Oregon failed to give them a</u></p> <p>6 <u>retention package that they felt they could accept.</u></p> <p>7 <u>And so they left, even though in some sense they</u></p> <p>8 <u>didn't want to, and, I mean, that was pretty tragic</u></p> <p>9 <u>to see.</u></p> <p>10 Q. Which -- who were those two people?</p> <p>11 A. One was Sandy Morgan, who then actually came back</p> <p>12 later, and the other was actually -- now that I</p> <p>13 think about it, was in psychology a long time ago,</p> <p>14 and that was Morton Gernsbacher.</p> <p>15 Q. Who?</p> <p>16 A. Morton, but it's a woman, Morti, she went by, but</p> <p>17 it's Morton, M O R T O N, Morton Gernsbacher.</p> <p>18 Q. And when did the situation with Sandy Morgan happen?</p> <p>19 A. Oh, well, it was the first -- she's -- she's since</p> <p>20 deceased, but she left the University of Oregon the</p> <p>21 first -- and then came back. I don't know, I'm bad</p> <p>22 on dates, maybe 10 years ago.</p> <p>23 Q. Did she get a retention offer but she just didn't</p> <p>24 like it?</p> <p>25 A. I -- I'm not sure, but I would assume, but I don't</p>	<p style="text-align: right;">100</p> <p>1 a woman who has received an offer from another</p> <p>2 institution and the University of Oregon has not</p> <p>3 made a retention offer?</p> <p>4 MS. MIDDLETON: Objection to the form of the</p> <p>5 question.</p> <p>6 A. Not to my knowledge, but I don't have any -- I</p> <p>7 wouldn't have any knowledge of that either.</p> <p>8 BY MS. BARRAN:</p> <p>9 Q. But you have known of retention offers within your</p> <p>10 department?</p> <p>11 A. I have heard about them. You have to understand</p> <p>12 that I'm not -- nobody gives me this information,</p> <p>13 it's -- it's rumor mill. I don't get copies of</p> <p>14 letters.</p> <p>15 Q. Is part of your lawsuit a complaint that there are</p> <p>16 retention offers?</p> <p>17 A. No, my lawsuit is about my pay compared to my -- my</p> <p>18 peers.</p> <p>19 Q. If the offer comes as a -- if your peer is</p> <p>20 differentiated from you because of a retention</p> <p>21 offer, is that part of your lawsuit?</p> <p>22 A. No. I don't -- I don't really understand the</p> <p>23 question.</p> <p>24 Q. So if Phil Fisher got a big retention offer at a</p> <p>25 time he was going to leave and that accounted for a</p>
<p style="text-align: right;">99</p> <p>1 know.</p> <p>2 Q. And Morton Gernsbacher, what was that -- when did</p> <p>3 that take place?</p> <p>4 A. That was around -- probably around 1990.</p> <p>5 Q. And did Morton Gernsbacher get a retention offer but</p> <p>6 just decide not to take it?</p> <p>7 A. It's -- you know, I don't know in detail, she never</p> <p>8 gave me detail, but as I recall, she did not feel it</p> <p>9 was sufficient to keep her given what outside offer</p> <p>10 she was getting.</p> <p>11 Q. Have you also been aware of male faculty who have</p> <p>12 gotten retention offers and not accepted them?</p> <p>13 A. Yes.</p> <p>14 Q. And can you tell me the names of some?</p> <p>15 A. Well, the two Eds I mentioned.</p> <p>16 Q. They didn't get enough from University of Oregon to</p> <p>17 stay?</p> <p>18 A. I don't know in their case what their -- they -- I</p> <p>19 have no knowledge on what the factors were; I just</p> <p>20 know they left.</p> <p>21 Q. Can you think of anybody else who was recruited by</p> <p>22 another institution and left?</p> <p>23 A. There was Azim Shariff I think left, and there was a</p> <p>24 person named Cliff something who I think left.</p> <p>25 Q. In the department of psychology, has there ever been</p>	<p style="text-align: right;">101</p> <p>1 disparity in compensation, are you suing over that</p> <p>2 disparity even though it came because he was</p> <p>3 retained by the university?</p> <p>4 A. So my lawsuit's not trivial. I'm not suing over any</p> <p>5 one moment. I'm suing over a pattern that's across</p> <p>6 people and across time. I would, like any faculty</p> <p>7 member, live with an inequity for some period of</p> <p>8 time with the understanding that things would be</p> <p>9 made right.</p> <p>10 <u>So if Phil Fisher was retained in a way that</u></p> <p>11 <u>put his salary out of alignment with mine, I</u></p> <p>12 <u>wouldn't go sue because I would trust that in the</u></p> <p>13 <u>years ahead things would be made right.</u></p> <p>14 My -- my issue is that there's a -- a lasting,</p> <p>15 enduring inequity across people, and things are not</p> <p>16 right.</p> <p>17 Q. When that happens, when somebody -- when the</p> <p>18 university has to retain somebody and, therefore,</p> <p>19 give them a salary increase, what's the period of</p> <p>20 time, in your view, that the inequity should be made</p> <p>21 right?</p> <p>22 A. I don't have a -- you know, a fixed, rigid number.</p> <p>23 I would expect over a couple of years to see</p> <p>24 progress being made.</p> <p>25 Back many years ago, when Gordon Hall was hired</p>

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<p style="text-align: right;">126</p> <p>1 A. I don't recall anyone saying anything about my 2 husband's salary to me. 3 Q. Do you recall anybody making a comment to you about 4 compensation that you thought was disrespectful of 5 your gender in the last 10 years? 6 A. Can you say what you mean by "disrespectful"? 7 Q. A comment to which you took affront that -- 8 regardless of whether or not you had expressed it, 9 that you thought was speaking to you negatively 10 about your value or your accomplishments because of 11 your gender. 12 A. Defined that way, no. 13 Q. Were you thinking about something that you -- that 14 you thought might have been responsive? 15 A. There's two kinds of disrespect that -- about gender 16 that I have observed and read about. One of them is 17 to be very explicit and say, "Because you are a 18 woman, you're less qualified in some way." Another 19 kind is to deny the reality of a woman's experience 20 and often in a -- in a factually incorrect way. 21 So, for instance, I might have a conversation 22 with a colleague who says, "Well, the reason women 23 are paid less is because they don't negotiate as 24 well as men." 25 I would consider that -- I experience that as</p>	<p style="text-align: right;">128</p> <p>1 have left the University of Oregon out of 2 dissatisfaction with a retention offer? 3 A. I don't recall. I think that there are -- I've been 4 at the university for 30 years and I don't recall 5 all the po -- all the woman who've left and why 6 they've left. 7 Q. Let's go back just 10 years. Can you tell me any 8 women who left the university to go to another 9 institution where you thought the University of 10 Oregon could have retained them with a better offer. 11 A. Not at this moment. 12 Q. Okay. When we were talking about the disrespectful 13 comments, you've actually not seen Professor Keele 14 for a very, very long period of time, right? 15 A. That's correct. 16 Q. Because I actually did my math wrong, so he's been 17 gone 20 years, right? 18 A. Possibly. 19 Q. Okay. And in those 20 years, did anybody -- does 20 any person come to mind as making comments that are 21 of a similar flavor to the one that you put in your 22 complaint? 23 MS. MIDDLETON: Objection to the form of the 24 question. 25 A. Yeah, I'm -- I'm hard-pressed to say what "similar</p>
<p style="text-align: right;">127</p> <p>1 disrespectful and factually incorrect. 2 Q. Because in your experience women do negotiate as 3 well? 4 A. Because in my experience when women do negotiate 5 well, they are often not successful, so. 6 Q. So can you tell me the experience that informs the 7 statement that you just made? You said "in my 8 experience," so I'm interested in what your -- what 9 that experience is. 10 A. Well, for instance, my own experience. 11 Q. Which is what? 12 A. Requesting to have an equitable salary and seeing 13 year after year it's not. 14 Q. Anything else? 15 A. Well, it's secondhand, but from what Dare Baldwin 16 described to me. I think she's a very competent 17 person, and from what she described, she competently 18 attempted to negotiate her salary. 19 Q. Do you know -- do you know any women who got outside 20 offers and didn't get a retention offer from the 21 university? 22 A. Any retention offer or -- I mean -- 23 Q. Any. 24 A. No. 25 Q. How many woman do you know who -- women faculty who</p>	<p style="text-align: right;">129</p> <p>1 flavor" means. 2 BY MS. BARRAN: 3 Q. Okay. Well, you complained about his comment as 4 being -- would you have called it misogynist? 5 A. Yes. 6 Q. Okay. Has anybody made a misogynist comment to you 7 in the past 20 years since -- since Professor Keele 8 has been gone? 9 A. Yes. 10 Q. Tell me the misogynist comments you've heard. 11 A. I don't recall an example right now. 12 Q. Any from -- can you recall any from a person in a 13 position of authority over you? 14 A. Not at this moment. 15 Q. Okay. I'm trying to make sure I understand how the 16 question of retention offers folds into your 17 lawsuit, and if I am understanding your testimony 18 correctly, and please correct me if I'm wrong, your 19 view is not that the university should not do 20 retention offers. Is that accurate? 21 A. That's a double negative. 22 Q. Okay, let me see if I can do it in something that's 23 not a double negative. 24 <u>You, as the plaintiff in this lawsuit, agree</u> 25 <u>that it is appropriate for the university to do</u></p>

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<p style="text-align: right;">130</p> <p>1 <u>retention offers?</u></p> <p>2 A. In some circumstances.</p> <p>3 <u>Q. What would those circumstances be?</u></p> <p>4 A. A valuable faculty member for whom the university</p> <p>5 would suffer a loss should that person leave.</p> <p>6 <u>Q. Can you think of any way to retain those potentially</u></p> <p>7 <u>departing faculty at the University of Oregon that</u></p> <p>8 <u>does not involve a retention offer?</u></p> <p>9 A. So when you say "retention offer," there's two</p> <p>10 meanings that come to mind. One is very specific to</p> <p>11 salary and one is the whole package.</p> <p>12 So if you mean specific to salary, then yes.</p> <p>13 If you mean that there be no -- no response from the</p> <p>14 University of Oregon to indicate the value -- their</p> <p>15 support and value of that faculty member, I doubt</p> <p>16 that the faculty member would stay.</p> <p>17 <u>Q. Do you believe that making a -- that re --</u></p> <p>18 <u>Do you believe the University of Oregon should</u></p> <p>19 <u>be limited to responding to a threat of departure by</u></p> <p>20 <u>expressing love and affection but not more money?</u></p> <p>21 A. I didn't say that.</p> <p>22 <u>Q. Okay. I want to -- I want to make sure I understand</u></p> <p>23 <u>your position.</u></p> <p>24 <u>Is it your understanding that in most</u></p> <p>25 <u>circumstances retaining a faculty member with</u></p>	<p style="text-align: right;">132</p> <p>1 offer? How would you study that?</p> <p>2 A. I'd do a survey.</p> <p>3 <u>Q. And your survey would seek out what?</u></p> <p>4 A. Faculty members that experienced contemplating</p> <p>5 retention offers, engaging in retention</p> <p>6 negotiations, and ask them what factors mattered.</p> <p>7 <u>Q. Have you ever seen such research done?</u></p> <p>8 A. No.</p> <p>9 <u>Q. Given your expectation as a professional in this</u></p> <p>10 <u>field, what factors do you think would be listed in</u></p> <p>11 <u>response?</u></p> <p>12 A. Well, first of all, I should say, as a researcher,</p> <p>13 the first step I would do before designing a survey</p> <p>14 is I would conduct some interviews with people and</p> <p>15 gather their experience and firsthand information.</p> <p>16 So I haven't -- don't have the benefit of those</p> <p>17 interviews, and won't -- won't design as good a</p> <p>18 survey without that, but I would certainly ask about</p> <p>19 salary, lab space, spousal hire, teaching load, if</p> <p>20 they're untenured when they're going to come up for</p> <p>21 tenure.</p> <p>22 I mean there's any number of factors that are</p> <p>23 going to be important to different individuals in</p> <p>24 different times and in different ways that the</p> <p>25 university can respond on. Parking spaces.</p>
<p style="text-align: right;">131</p> <p>1 another offer will require the University of Oregon</p> <p>2 to pay them more?</p> <p>3 A. I don't even know that. There are many -- my</p> <p>4 understanding is that there are many factors that</p> <p>5 determine whether somebody wants to stay at an</p> <p>6 institution or not, and each individual case -- the</p> <p>7 relative weighting of those factors is likely to</p> <p>8 vary, and, therefore, in each individual case what</p> <p>9 the university -- how the university responds more</p> <p>10 or less may match what matters.</p> <p>11 <u>Q. In the case of retention offers in general, is it</u></p> <p>12 <u>your understanding that they are widely varied?</u></p> <p>13 A. Yes.</p> <p>14 <u>Q. And some factors may or may not persuade somebody to</u></p> <p>15 <u>stay?</u></p> <p>16 A. Correct.</p> <p>17 <u>Q. And if you were to try to evaluate or analyze, you</u></p> <p>18 <u>would have to look at a multitude of factors to</u></p> <p>19 <u>decide what motivated the faculty member's behavior?</u></p> <p>20 A. Well, I'm not sure a multitude, because it would</p> <p>21 depend, but it -- it -- and for some people it</p> <p>22 really may be one factor, but for many people it may</p> <p>23 be more than one factor.</p> <p>24 <u>Q. So as an empirical researcher, how would you study</u></p> <p>25 <u>something like that, what matters in a retention</u></p>	<p style="text-align: right;">133</p> <p>1 <u>Q. And even drawing on your own experience, there were</u></p> <p>2 <u>factors that mattered to you when you moved and</u></p> <p>3 <u>factors that didn't matter to you when you shut off</u></p> <p>4 <u>conversations over the course of your tenure,</u></p> <p>5 <u>correct?</u></p> <p>6 A. Right.</p> <p>7 <u>Q. Is there -- do you have any data to suggest that</u></p> <p>8 <u>there is a common denominator to the -- to what</u></p> <p>9 <u>makes a retention offer attractive?</u></p> <p>10 A. No.</p> <p>11 <u>Q. If you were re -- responsible for designing an</u></p> <p>12 <u>appropriate retention offer for the university to</u></p> <p>13 <u>use, are there considerations or factors that would</u></p> <p>14 <u>go into your plan to respond to a departure threat?</u></p> <p>15 A. Presumably.</p> <p>16 <u>Q. What would those --</u></p> <p>17 A. This is a -- very hypothetical.</p> <p>18 <u>Q. Mm-hm, sure.</u></p> <p>19 A. So are you asking me to speculate about --</p> <p>20 <u>Q. Sure. I want -- I want to know -- I mean you're a</u></p> <p>21 <u>trained empirical researcher --</u></p> <p>22 A. Uh-huh.</p> <p>23 <u>Q. -- and you have a lawsuit, and there is at least a</u></p> <p>24 <u>suggestion in your lawsuit that retention offers are</u></p> <p>25 <u>a point of contention for you. I mean if they're</u></p>

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<p style="text-align: right;">134</p> <p>1 not, you can tell me you have no complaint about any</p> <p>2 retention offers and I'll go on to another subject.</p> <p>3 MS. MIDDLETON: There's no question pending.</p> <p>4 MS. BARRAN: There is a question pending.</p> <p>5 A. What's the question?</p> <p>6 BY MS. BARRAN:</p> <p>7 Q. Sure. Do you have a com -- do you have no complaint</p> <p>8 about retention offers at the University of Oregon?</p> <p>9 A. My complaint is about the equitability of our</p> <p>10 salaries, and to the extent that the university is</p> <p>11 using an argument that retention enter -- retention</p> <p>12 offers are the determinant of salaries, then yes, I</p> <p>13 have a complaint.</p> <p>14 Q. If you were designing the retention offer, how do</p> <p>15 you think the university can manage the retention of</p> <p>16 an important faculty member, somebody like Professor</p> <p>17 Fisher, somebody like Professor Mayr, somebody like</p> <p>18 Professor Neville, who you think is important to the</p> <p>19 university, what would you do other than give them</p> <p>20 more money?</p> <p>21 A. I would -- I would find out how much it mattered to</p> <p>22 them that their salary be equitable in the</p> <p>23 department, because I would know that no matter what</p> <p>24 raise I got them to keep them, I would also have the</p> <p>25 opportunity to raise other people's salary to an</p>	<p style="text-align: right;">136</p> <p>1 <u>on one of the rankings -- national rankings I looked</u></p> <p>2 <u>at, around 21, 22 in the country, and it's tied with</u></p> <p>3 <u>some other institutions at the same ranking, so to</u></p> <p>4 <u>have salaries at the University of Oregon psychology</u></p> <p>5 <u>department on average similar to salaries at those</u></p> <p>6 <u>other comparable universities.</u></p> <p>7 Q. So you would try to peg compensation for faculty by</p> <p>8 looking externally at similarly ranked departments?</p> <p>9 A. I would -- I'm talking about creating the context in</p> <p>10 which people would be satisfied at the University of</p> <p>11 Oregon, and it's not just salary. It's the whole --</p> <p>12 it's the whole experience.</p> <p>13 I would try to make a situation where people</p> <p>14 were getting rewarded for their fulfillment of their</p> <p>15 job duties at the University of Oregon rather than</p> <p>16 having to go get -- involve the time of other people</p> <p>17 to get an outside offer to get paid. So I would</p> <p>18 create a system that was based on doing the job well</p> <p>19 and rewarding it for doing the job well.</p> <p>20 <u>Now, I do think that because we are a very</u></p> <p>21 <u>strong department, it makes sense to be paying our</u></p> <p>22 <u>faculty in a way similar to other strong</u></p> <p>23 <u>departments.</u></p> <p>24 Q. Would you allocate the dollars within the department</p> <p>25 any differently from your current merit system?</p>
<p style="text-align: right;">135</p> <p>1 equitable level.</p> <p>2 Q. <u>Is there any other mechanism you can think of that</u></p> <p>3 <u>would address the concerns that you have about the</u></p> <p>4 <u>university's use of retention offers?</u></p> <p>5 <u>A. So I believe the university could be doing something</u></p> <p>6 <u>that would be preventative. Retention offers come</u></p> <p>7 <u>about in large part because people either are gaming</u></p> <p>8 <u>the system, they're doing it explicitly to get a</u></p> <p>9 <u>higher salary, or because they're not fully happy</u></p> <p>10 <u>and they're considering going somewhere else.</u></p> <p>11 <u>I -- I would support a system that provided</u></p> <p>12 <u>resources to people such that they did not feel the</u></p> <p>13 <u>need to game the system and that they did not feel</u></p> <p>14 <u>the need to entertain external offers or pursue</u></p> <p>15 <u>them.</u></p> <p>16 Q. What would that system be? Tell me what it would</p> <p>17 look like.</p> <p>18 <u>A. To reward people for their accomplishments to the</u></p> <p>19 <u>mission of the university and fulfilling their core</u></p> <p>20 <u>job duties in an equitable way and one that was at</u></p> <p>21 <u>more -- comparable to other universities'</u></p> <p>22 <u>departments of a similar stature.</u></p> <p>23 Q. You mean external market?</p> <p>24 <u>A. Well, I mean comparable to other departments. So</u></p> <p>25 <u>the University of Oregon psychology department is,</u></p>	<p style="text-align: right;">137</p> <p>1 A. There would -- if -- yes, there would be equity.</p> <p>2 Q. And what does that mean?</p> <p>3 A. That means that we would all be more or less on the</p> <p>4 regression line.</p> <p>5 Q. Based on time in -- time in position?</p> <p>6 A. Yes. And to the extent we -- we're departing --</p> <p>7 departing from that regression line, we would</p> <p>8 understand in what ways we had exceeded or failed to</p> <p>9 meet the department standards.</p> <p>10 So, for instance, somebody who always got an</p> <p>11 average or better-than-average merit rating would</p> <p>12 not be below the merit line. That's a for instance.</p> <p>13 Q. So -- but -- but you would start with, as a</p> <p>14 baseline, a lockstep seniority time in service?</p> <p>15 A. I didn't say lockstep. I was -- I would -- I would</p> <p>16 include a regression line with seniority, and then</p> <p>17 demand that any departure from that regression line</p> <p>18 be clearly related to the -- the job performance.</p> <p>19 Now, I grant you that there can be a temporary</p> <p>20 period where something's out of alignment. That's</p> <p>21 the nature of the business. I'm talking about, over</p> <p>22 time, the pattern.</p> <p>23 Q. When you sat on the executive committee and you</p> <p>24 personally were a determinant of salaries, were the</p> <p>25 decisions of the executive committee, in your view,</p>

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<p style="text-align: right;">138</p> <p>1 equitable?</p> <p>2 A. So I -- I don't know if I was personally a</p> <p>3 determinant of salaries. My job as an executive</p> <p>4 committee member was to submit ratings on people,</p> <p>5 and I believe -- I could be wrong, I think we wrote</p> <p>6 little reports, but I could be wrong about that. We</p> <p>7 might have just done it numerically. And those</p> <p>8 numerical ratings were then used by the department</p> <p>9 head to make recommendations which were then sent</p> <p>10 on, I believe, for further analysis. So I was never</p> <p>11 in charge of awarding dollars.</p> <p>12 Q. When you did that evaluation as a member of the</p> <p>13 executive committee, was it your view that the final</p> <p>14 decision when it came down was equitable?</p> <p>15 A. Yes and no.</p> <p>16 Q. What's --</p> <p>17 A. So it is my view, because there is a longstanding</p> <p>18 research literature on this, that many of the</p> <p>19 metrics we use to make evaluations are subject to</p> <p>20 bias, and it is my view that the University of</p> <p>21 Oregon fails to structurally correct for this bias.</p> <p>22 An example is teaching evaluations. It's very</p> <p>23 well documented that women and male -- female and</p> <p>24 male teachers of comparable quality, on average, get</p> <p>25 different teaching evaluations from students.</p>	<p style="text-align: right;">140</p> <p>1 variables, and no matter what enlightened values</p> <p>2 people hold, these biases tend to show up. So I</p> <p>3 don't think this is a matter of will power and</p> <p>4 sitting there and saying, "I'm going to personally</p> <p>5 correct for bias I can't even consciously monitor."</p> <p>6 I think this is structural. We know the bias is</p> <p>7 there, it's well documented, and so far nothing has</p> <p>8 been done to correct for that bias.</p> <p>9 Q. Is there any institution of which you're aware that</p> <p>10 has such a structural correction?</p> <p>11 A. Yes --</p> <p>12 Q. Who?</p> <p>13 A. -- although maybe not as wonderful of a structural</p> <p>14 correction as I think we need.</p> <p>15 So a number of universities have simply given</p> <p>16 across-the-board raises to women who have been paid</p> <p>17 less than comparable men just based on salary, just</p> <p>18 fix it, just put them in line with the men.</p> <p>19 Q. So you would take out evaluations entirely as a</p> <p>20 factor?</p> <p>21 A. No, I'm not saying that. You asked me if I know of</p> <p>22 any, and I'm telling you what some universities do.</p> <p>23 Q. Yeah. So you would -- how many institutions do</p> <p>24 something like you just suggested?</p> <p>25 A. I have no count. I've read about particular</p>
<p style="text-align: right;">139</p> <p>1 Teaching evaluations are one of the ways that the</p> <p>2 numerical amount for teaching quality is determined</p> <p>3 in the merit process.</p> <p>4 I believe there's bias occurring across</p> <p>5 different domains and that there is no compensation</p> <p>6 for that bias. In that sense, I don't think it was</p> <p>7 equitable.</p> <p>8 Q. In -- in your case, did you evaluate your colleagues</p> <p>9 based on their teaching evaluations?</p> <p>10 A. That was one of the factors that I was instructed to</p> <p>11 use in determining my evaluation of their teaching</p> <p>12 quality.</p> <p>13 Q. And when you did your personal evaluation, did you</p> <p>14 correct for what you believed to be subjective bias?</p> <p>15 A. I don't know -- I don't know. I don't know if you</p> <p>16 can even answer that question in an individual. You</p> <p>17 need a structural fix.</p> <p>18 Q. What would that structural fix be, in your view?</p> <p>19 A. So for one thing, we would take the quantitative</p> <p>20 information we have on bias, and we would, as a</p> <p>21 community, figure out how to correct for it in some</p> <p>22 quantitative way, because bias is occurring outside</p> <p>23 of my conscious awareness or intentions.</p> <p>24 The research is clear, we all tend to be</p> <p>25 biased -- biased on a number of demographic</p>	<p style="text-align: right;">141</p> <p>1 institutions that do that.</p> <p>2 Q. And do you personally think that that's an optimal</p> <p>3 system for the concern that you have about the</p> <p>4 University of Oregon's evaluations?</p> <p>5 A. <u>I think that the long-term solution is to figure out</u></p> <p>6 <u>how to compensate for bias and remove inequity.</u> I</p> <p>7 don't think we want to get rid of evaluations</p> <p>8 because I think we do want to be rewarding people</p> <p>9 for doing a worse or better job, so I don't want to</p> <p>10 remove that.</p> <p>11 In the short-term, I admire the university --</p> <p>12 the courage of those universities to fix</p> <p>13 longstanding existing problems.</p> <p>14 Q. And in your view, in your fix to the University of</p> <p>15 Oregon's problems, would you just give raises to</p> <p>16 women because of the belief that their teaching</p> <p>17 evaluations are biased?</p> <p>18 A. I never said that.</p> <p>19 Q. I'm asking.</p> <p>20 A. I don't know. I'm --</p> <p>21 Q. Would that be something you would -- you would</p> <p>22 recommend considering?</p> <p>23 A. Considering? Sure. I'm not saying that I would --</p> <p>24 this is -- <u>I'm not going to say what the answer</u></p> <p>25 <u>should be. There should be an answer.</u></p>

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<p style="text-align: right;">142</p> <p>1 Q. Have you known -- have you learned of any 2 institution that has what you believe to be the 3 answer for this issue of subconscious bias? 4 A. I think some institutions have a process for fixing 5 inequities even if they don't know how to stop them 6 from arising, and fixing them faster, as opposed to 7 letting them grow and accumulate over time. 8 Q. Who would those institutions be? 9 A. Well, these ones that have -- just have used the 10 pure salary fix, which I'm not sure is the best 11 solution. 12 But I -- I recently learned about a procedure 13 at a university involving when faculty detect an 14 inequity based on gender, race, or other protected 15 class, a very specific way they can submit that 16 information and a very specific process to -- to 17 investigate and, I've been told, then to -- to make 18 adjustments. 19 Q. Do you know which institution this is? 20 A. Wayne State. 21 Q. Is anybody else doing something like that? 22 A. I don't know. 23 Q. It sounds -- and correct me if I'm wrong. It sounds 24 like these are things that are being tried right 25 now. Is that an accurate summary?</p>	<p style="text-align: right;">144</p> <p>1 A. No. 2 Q. Any of your colleagues in the psychology department 3 who have had outside offers, did you think any of 4 those colleagues weren't legitimately considering an 5 outside offer? 6 A. I -- I didn't think they were or they weren't. I 7 don't have that level of information about what they 8 were thinking. 9 Q. When -- when somebody says something accusatory like 10 "gaming the system," have you ever said, "Let's find 11 out first if it's true that people are really doing 12 that"? 13 A. No. I have read that people say that their 14 department heads have told them if they want a 15 salary raise they have to get an outside offer. 16 Q. And do you know whether -- do you know any names 17 associated with that? 18 A. No. 19 Q. Has anybody told you that? 20 A. I have read that, but I don't have recollection of 21 names. 22 Q. I mean has anybody ever told you, when you have -- 23 When you have talked about your compensation, 24 has anybody specifically told you that you needed to 25 go get an outside offer?</p>
<p style="text-align: right;">143</p> <p>1 A. Tried? 2 Q. They're -- they're new? 3 A. Oh, I have no idea how long they've been doing that. 4 Q. <u>It's your belief that there is a structural fix of</u> 5 <u>some kind that has been tested by time and the</u> 6 <u>collection of data?</u> 7 A. I don't know. 8 Q. <u>You said that some people gamed the system. Can you</u> 9 <u>tell me the names of the people who have gamed the</u> 10 <u>system?</u> 11 A. No. 12 Q. <u>Do you know that there are people who have gamed the</u> 13 <u>system?</u> 14 A. I have heard it discussed in conversation many 15 times, but I don't have firsthand information. 16 Q. <u>Have you heard any names attached to the idea of</u> 17 <u>gaming the system?</u> 18 A. No. 19 Q. <u>As -- as you sit here today in your lawsuit, can you</u> 20 <u>tell us anybody you believe in your heart has gamed</u> 21 <u>the system by trying to get an outside offer?</u> 22 A. No. 23 Q. When Dare Baldwin went out and was negotiating, did 24 you have any sense that she was gaming the system 25 just to get a raise?</p>	<p style="text-align: right;">145</p> <p>1 A. I don't recall. 2 MS. BARRAN: Let's go off the record for a 3 second. What's your pleasure? 4 THE VIDEOGRAPHER: Off the record at 12:34. 5 (A recess was taken from 12:34 to 1:22.) 6 THE VIDEOGRAPHER: Back on the record at 1:22. 7 BY MS. BARRAN: 8 Q. Professor Freyd, we're back on the record after a 9 short recess for lunch. 10 <u>Do you know of any data to suggest that</u> 11 <u>psychology professors from University of Oregon are</u> 12 <u>being recruited under circumstances that you think</u> 13 <u>constitute gender bias?</u> 14 A. Recruited to come into the department? 15 Q. Either, recruited in or out. 16 A. Not that I know of. 17 Q. You were testifying prior to the break about how to, 18 in your view, handle some of the salary concerns 19 that emanate from the retention needs or concerns of 20 the university, and we had been talking about your 21 thoughts about making people feel like they don't 22 need to leave. 23 I want to ask you this question. For -- for 24 those faculty members who want the money, do you 25 have an alternate plan for the University of Oregon</p>

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<p style="text-align: right;">154</p> <p>1 teaching in broad ways, and then there's specific</p> <p>2 ways that that gets fulfilled.</p> <p>3 And a way that the university could decide how</p> <p>4 much to pay me is to evaluate the quality of my</p> <p>5 contributions and the way I'm assigned to do them</p> <p>6 and determine what I should be paid based on my</p> <p>7 seniority and the quality of my contributions.</p> <p>8 Q. And under those circumstances, is it your contention</p> <p>9 that the university would no longer have to make</p> <p>10 retention offers?</p> <p>11 A. I -- I would assume they would not have to do it as</p> <p>12 often. I can't -- I can't say they'd never have to,</p> <p>13 but I would assume it would reduce the number of</p> <p>14 times they have to do it.</p> <p>15 Q. And when you say that the university would have to</p> <p>16 compensate people based on the performance on the</p> <p>17 job duties, what in the last year has the university</p> <p>18 not done that would deviate from what you think they</p> <p>19 should do?</p> <p>20 A. So we go through a process of merit evaluation</p> <p>21 where, in theory, they are evaluating us based on</p> <p>22 these job duties. Every time I've ever been told --</p> <p>23 I went through a merit evaluation I've been told I</p> <p>24 had an above average for the department merit</p> <p>25 rating.</p>	<p style="text-align: right;">156</p> <p>1 different from what you are plotting?</p> <p>2 A. Well, at least one factor, yeah.</p> <p>3 Q. Do you know what that factor is?</p> <p>4 A. No.</p> <p>5 Q. Have you ever tried to do your charts and your</p> <p>6 analysis using different charts to see if there is a</p> <p>7 factor that puts you right on the regression line?</p> <p>8 A. And I wouldn't -- that's not the way analysis works.</p> <p>9 Q. I'm just asking if you've ever done that.</p> <p>10 A. No, that would be working from the result and trying</p> <p>11 to -- no.</p> <p>12 Q. When you -- if you worked from the result, might you</p> <p>13 be able to predict what was used to get there?</p> <p>14 A. I wouldn't know how, because I'd have to know</p> <p>15 what -- what variables to be regressing. You -- you</p> <p>16 predict an outcome based on variables. I wouldn't</p> <p>17 know what variables to put into it.</p> <p>18 Q. When you look at the compensation of the people that</p> <p>19 you have been speaking of, the males you've been</p> <p>20 speaking of, when you plot the regression, do you --</p> <p>21 do you control for the fact that you are a member of</p> <p>22 the bargaining unit and Phil Fisher is not?</p> <p>23 A. No.</p> <p>24 Q. Do you control for the fact that you are a member of</p> <p>25 the bargaining unit and Ulrich Mayr is not?</p>
<p style="text-align: right;">155</p> <p>1 So if merit -- if this process was actually</p> <p>2 what we were doing as our determinant of our</p> <p>3 salaries, my salary would not be below that</p> <p>4 regression line. So they're doing it, but they're</p> <p>5 doing something else, aren't they, in order to</p> <p>6 actually change people's compensation? They're</p> <p>7 doing something that's not determined by the stated</p> <p>8 process for evaluating merit.</p> <p>9 Q. What is, in your belief, the reason that your salary</p> <p>10 falls below -- strike that. Let me ask you it this</p> <p>11 way.</p> <p>12 What regression line are you speaking of? What</p> <p>13 are the -- what are the components of the regression</p> <p>14 line that you were just testifying about?</p> <p>15 A. Well, of course, as you know, we've looked at it</p> <p>16 various different ways, we now being -- including</p> <p>17 the department itself. Some measure of seniority</p> <p>18 and salary on the Y axis, seniority on the X axis,</p> <p>19 and a regression of those -- those two variables.</p> <p>20 Q. Does that say to you that the university is using a</p> <p>21 different variable from the ones you were plotting?</p> <p>22 A. Well, if it was just seniority everybody would be on</p> <p>23 a -- on a straight line.</p> <p>24 Q. Does the result you just described speak to you in a</p> <p>25 way that says the university uses a factor that is</p>	<p style="text-align: right;">157</p> <p>1 A. No.</p> <p>2 Q. It is true that neither of those faculty members are</p> <p>3 members of your bargaining unit?</p> <p>4 A. At this moment the bargaining unit has a very</p> <p>5 strange role, and so people can move in and out of</p> <p>6 the bargaining unit.</p> <p>7 Q. I understand that. Can you answer my question?</p> <p>8 A. What was the question?</p> <p>9 Q. Sure. Is Phil Fisher in the bargaining unit?</p> <p>10 A. I don't think so, but I don't know for sure.</p> <p>11 Q. And is Ulrich Mayr in the bargaining unit?</p> <p>12 A. No, department heads cannot be in a bargaining unit.</p> <p>13 Q. You have also asked for full back pay, compensatory</p> <p>14 damages, and some additional relief. Can you tell</p> <p>15 me, what is the amount of back pay that you believe</p> <p>16 that you are entitled to in this lawsuit?</p> <p>17 A. I can't give you a dollar figure.</p> <p>18 Q. Can you tell me for the last calendar year what</p> <p>19 amount you think that you are entitled to?</p> <p>20 A. I can't do that either. <u>I want an equitable salary.</u></p> <p>21 Q. What does that mean?</p> <p>22 A. <u>That means one that is not divergent from my</u></p> <p>23 <u>colleagues who have similar achievements and</u></p> <p>24 <u>seniority as me.</u></p> <p>25 Q. Does that mean you are asking for exactly what Phil</p>

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<p style="text-align: right;">202</p> <p>1 THE VIDEOGRAPHER: Back on the record at</p> <p>2 approximately 3:02.</p> <p>3 BY MS. BARRAN:</p> <p>4 Q. Professor Freyd, in your complaint, you have alleged</p> <p>5 that the university is paying you at a rate less</p> <p>6 than it pays to men for work of comparable</p> <p>7 character. When you speak of "work of comparable</p> <p>8 character," are you speaking about the faculty in</p> <p>9 the psychology department?</p> <p>10 A. Yes.</p> <p>11 Q. And do all the faculty in the psychology department</p> <p>12 do work of comparable character to you?</p> <p>13 A. Well, I was speaking about full professors.</p> <p>14 Q. So thinking generally, though, do all the faculty in</p> <p>15 the department of psychology do work of comparable</p> <p>16 character to you regardless of their status?</p> <p>17 A. Broadly --</p> <p>18 MS. MIDDLETON: Objection to the extent it</p> <p>19 calls for a legal conclusion.</p> <p>20 A. Oh, yeah, I -- I -- this may be a technical phrase,</p> <p>21 but broadly we all have the same job duties.</p> <p>22 BY MS. BARRAN:</p> <p>23 Q. And that would include even associate professors all</p> <p>24 the way up to full professors, you would do</p> <p>25 basically the same things?</p>	<p style="text-align: right;">204</p> <p>1 MS. MIDDLETON: Same objection.</p> <p>2 A. <u>Yeah, my problem is "comparable" is such a ranging</u></p> <p>3 <u>thing, so, I mean --</u></p> <p>4 BY MS. BARRAN:</p> <p>5 Q. Yeah, it's -- it's in your complaint.</p> <p>6 A. Okay. I mean there -- the department of</p> <p>7 <u>psychology -- my colleagues in the department of</u></p> <p>8 <u>psychology have the most similar job to mine.</u></p> <p>9 Q. <u>You would not compare your wages, for example, to</u></p> <p>10 <u>somebody in economics?</u></p> <p>11 A. <u>Not in particular to economics, no.</u></p> <p>12 Q. <u>Biology?</u></p> <p>13 A. <u>I wouldn't in any -- any one department, that</u></p> <p>14 <u>wouldn't make any sense at all.</u></p> <p>15 Q. <u>Humanities?</u></p> <p>16 A. <u>No.</u></p> <p>17 Q. <u>And they make less than you anyway.</u></p> <p>18 A. <u>Yeah.</u></p> <p>19 Q. <u>Dramatically less, right?</u></p> <p>20 A. <u>Right.</u></p> <p>21 Q. So I just -- I want to make sure that we're all</p> <p>22 clear that we are talking about the department of</p> <p>23 psychology at University of Oregon.</p> <p>24 A. Correct.</p> <p>25 Q. Okay, thank you.</p>
<p style="text-align: right;">203</p> <p>1 A. Yes.</p> <p>2 Q. But your particular lawsuit relates to full</p> <p>3 professors in the psychology department?</p> <p>4 A. Yes.</p> <p>5 Q. Okay, thank you.</p> <p>6 Just as a corollary to that, is there anybody</p> <p>7 else at the University of Oregon outside of the</p> <p>8 psychology department that you think does work of</p> <p>9 comparable character to you?</p> <p>10 A. Is this some technical term, "comparable character,"</p> <p>11 that I have to have defined?</p> <p>12 Q. I can define it for you.</p> <p>13 A. Okay.</p> <p>14 Q. Does it -- does it require the same skill, effort,</p> <p>15 responsibility, general duties?</p> <p>16 MS. MIDDLETON: Again, I'm going to object to</p> <p>17 the extent it calls for a legal conclusion, but you</p> <p>18 can answer the question.</p> <p>19 A. Okay. I mean there's particular skills in the field</p> <p>20 of psychology that only my colleagues in psychology</p> <p>21 have.</p> <p>22 BY MS. BARRAN:</p> <p>23 Q. Okay. So as you think back as a layperson, the only</p> <p>24 people who could be divined as having a job that is</p> <p>25 comparable to yours are psychologists?</p>	<p style="text-align: right;">205</p> <p>1 You say that you have suffered emotional</p> <p>2 distress for which you are seeking recovery in this</p> <p>3 lawsuit. I want you to describe for me what you're</p> <p>4 talking about. What -- what is your emotional</p> <p>5 distress for which you believe you're entitled to</p> <p>6 compensation?</p> <p>7 A. Well, being paid less than my male colleagues is</p> <p>8 embarrassing, it's humiliating, and it's painful.</p> <p>9 Q. Have you had any kind of treatment at all for any of</p> <p>10 the embarrassment, humiliation, or pain that you</p> <p>11 believe that you have experienced from being paid</p> <p>12 less than males?</p> <p>13 A. No.</p> <p>14 Q. Have -- have you had that -- do you think that the</p> <p>15 males who earn less than you have the same reaction</p> <p>16 to earning less than you?</p> <p>17 A. I have no idea how they feel.</p> <p>18 Q. Do you think that, in the end, all the faculty</p> <p>19 should just earn the same amount of money?</p> <p>20 A. I think that we should be paid commensurate with our</p> <p>21 seniority and our contributions.</p> <p>22 Q. Are there any male faculty in the department of</p> <p>23 psychology who you believe should be paid more than</p> <p>24 others who perform comparable work?</p> <p>25 So as you look at the department of psychology,</p>

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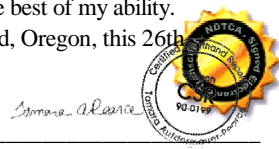
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<p style="text-align: right;">266</p> <p>1 might want to move to other institutions?</p> <p>2 A. Mm-hm.</p> <p>3 Q. You have --</p> <p>4 A. Yes.</p> <p>5 Q. In -- in that regard, are you able to tell me any of</p> <p>6 the institutions that you might have been able to</p> <p>7 get an offer for?</p> <p>8 A. No.</p> <p>9 Q. <u>Do you disagree that the University of Oregon needs</u></p> <p>10 <u>to retain nationally competitive faculty?</u></p> <p>11 A. I believe that the University of Oregon needs to</p> <p>12 have on its staff nationally recognized faculty, and</p> <p>13 it can do that either by retaining those faculty who</p> <p>14 are here or hiring new faculty who are that capable.</p> <p>15 Q. When you hire new faculty, is there a start-up cost</p> <p>16 associated with bringing them to the university?</p> <p>17 A. There can be.</p> <p>18 Q. And can that sometimes be the building of a lab and</p> <p>19 equipping of a lab?</p> <p>20 A. It can be.</p> <p>21 Q. Do you have any idea what the cost of equipping a</p> <p>22 lab can be?</p> <p>23 A. It ranges tremendously.</p> <p>24 Q. Would there be circumstances where paying more money</p> <p>25 to an existing faculty member would be cheaper than</p>	<p style="text-align: right;">268</p> <p>1 Q. Do you know one way or the other the process that</p> <p>2 Nick Allen may have gone through?</p> <p>3 A. No.</p> <p>4 Q. When you've talked about your other colleagues in</p> <p>5 the department, is it your belief that all of the</p> <p>6 women who are full faculty -- who are full</p> <p>7 professors in the psychology department could move</p> <p>8 to institutions that have higher compensation levels</p> <p>9 for psychology professors if they wanted to?</p> <p>10 A. I don't know enough about the different compensation</p> <p>11 levels at different universities to be able to</p> <p>12 answer that question.</p> <p>13 Q. So who are the -- who are the other women presently</p> <p>14 who are full faculty --</p> <p>15 A. Sara Hodges --</p> <p>16 Q. -- full professors?</p> <p>17 A. Sara Hodges, Dare Baldwin, and Holly Arrow.</p> <p>18 Q. Of those, how many of them have had outside offers</p> <p>19 already?</p> <p>20 A. I'm aware that Dare Baldwin has.</p> <p>21 Q. Do you have any belief that Holly Arrow would have</p> <p>22 difficulty obtaining an outside offer?</p> <p>23 A. From -- no. I mean she -- she's described having</p> <p>24 approaches as well. I -- you know, I don't know.</p> <p>25 Q. Has she ever expressed to you why she hasn't</p>
<p style="text-align: right;">267</p> <p>1 recruiting and bringing in a new faculty member to</p> <p>2 do something similar?</p> <p>3 A. Well, yes, and also we also are always hoping to</p> <p>4 have the best faculty we can get, and so, equally,</p> <p>5 if not a more important consideration besides just</p> <p>6 the pure cost, is can we -- are we in a position to</p> <p>7 recruit a faculty member of this caliber should this</p> <p>8 other one leave.</p> <p>9 Q. When you are recruiting faculty of the caliber of</p> <p>10 your current psychology department, given its</p> <p>11 ranking, to get somebody of that caliber, do you</p> <p>12 find that other institutions typically pay them more</p> <p>13 than the University of Oregon scale?</p> <p>14 A. Often, yes.</p> <p>15 Q. Do you know any -- do you have any information</p> <p>16 whether the University of Oregon goes through a</p> <p>17 process to review the validity of the offer that a</p> <p>18 salary -- that a faculty member presents?</p> <p>19 A. You mean like whether there's -- the outside offer</p> <p>20 is really serious?</p> <p>21 Q. Right, and whether they're really serious about it.</p> <p>22 A. I don't know of any -- I don't know what they do.</p> <p>23 Q. Do you know one way or the other the process that,</p> <p>24 for example, Dr. Fisher has gone through?</p> <p>25 A. No.</p>	<p style="text-align: right;">269</p> <p>1 followed up on those?</p> <p>2 A. Yes.</p> <p>3 Q. Can you tell me what's -- tell me what circumstances</p> <p>4 she has told you argue against her moving.</p> <p>5 A. So I believe she had an interest in the London</p> <p>6 School of Economics, and I believe she decided she</p> <p>7 wanted to come back -- she was visiting there, she</p> <p>8 wanted to come back to Oregon. I don't remember</p> <p>9 why. I just don't remember.</p> <p>10 Q. Was it something that related to her -- do you know</p> <p>11 whether it was something that related to her work?</p> <p>12 Was it something related to the weather in London?</p> <p>13 What?</p> <p>14 A. I just don't know. She was married at the time.</p> <p>15 I -- I don't know.</p> <p>16 Q. Is that the only time you've ever spoken to her</p> <p>17 about the possibility of her taking an offer</p> <p>18 someplace else?</p> <p>19 A. That's the only time I remember.</p> <p>20 Q. Okay. And Sara has -- has or has not had an offer?</p> <p>21 A. I don't know; she's not told me.</p> <p>22 Q. Have you had any conversations with her about</p> <p>23 whether she would seriously entertain an offer from</p> <p>24 another institution?</p> <p>25 A. No.</p>

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<p style="text-align: right;">302</p> <p>1 answer that question and then I'll terminate.</p> <p>2 A. I -- I see no basis for my salary to be less than</p> <p>3 all those men's salary, considering seniority.</p> <p>4 MS. BARRAN: Okay. I'm at seven hours. I am</p> <p>5 not ending the deposition. I may, given the scope</p> <p>6 of the lack of knowledge on some things, request the</p> <p>7 Court for additional time, but I understand that we</p> <p>8 are at seven hours at this point.</p> <p>9 MS. MIDDLETON: Terrific. Why don't we take a</p> <p>10 break and go off the record.</p> <p>11 THE VIDEOGRAPHER: Off the record at 5:40.</p> <p>12 (A recess was taken from 5:40 to 5:43.)</p> <p>13 MS. MIDDLETON: Back on the record.</p> <p>14 We'd like to have Professor Freyd read and sign</p> <p>15 the deposition.</p> <p>16</p> <p>17</p> <p>18 (DEPOSITION ADJOURNED at 5:43 p.m.)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">304</p> <p>1 FREYD vs. UNIVERSITY OF OREGON</p> <p>2 DEPOSITION OF JENNIFER JOY FREYD</p> <p>3 PAGE LINE CORRECTION TO TRANSCRIPT</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16</p> <p>17 I hereby certify that I have read the</p> <p>18 deposition transcript of my testimony, and that the</p> <p>19 transcription, together with any corrections noted</p> <p>20 above, is a true and accurate record of my testimony</p> <p>21 given at the time and place noted.</p> <p>22</p> <p>23</p> <p>24 _____</p> <p>25 JENNIFER JOY FREYD</p>
<p style="text-align: right;">303</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I, Tamara Aufdermauer Pearce, Oregon CSR No.</p> <p>4 90-0199, Washington CCR No. 2141, do hereby certify</p> <p>5 that JENNIFER JOY FREYD personally appeared before</p> <p>6 me at the time and place mentioned in the caption</p> <p>7 herein; that the witness was by me first duly sworn</p> <p>8 on oath and examined upon oral interrogatories</p> <p>9 propounded by counsel; that said examination,</p> <p>10 together with the testimony of said witness, was</p> <p>11 taken down by me in stenotype and thereafter reduced</p> <p>12 to typewriting; and that the foregoing transcript,</p> <p>13 pages 1 to 302, both inclusive, constitutes a full,</p> <p>14 true and accurate record of said examination of and</p> <p>15 testimony given by said witness, and of all other</p> <p>16 proceedings had during the taking of said deposition</p> <p>17 and of the whole thereof, to the best of my ability.</p> <p>18 Witness my hand at Portland, Oregon, this 26th</p> <p>19 day of February, 2018.</p> <p>20</p> <p>21 </p> <p>22 TAMARA AUFDERMAUER PEARCE</p> <p>23 OCSR No. 90-0199 Expires: 12/31/2020</p> <p>24 WCCR No. 2141 Expires: 12/01/2018</p> <p>25</p>	

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Decl. of P. Barran in Support of Reply Memo